

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

PEDRO HERNANDEZ-UBIERA

Defendant.

CRIMINAL NO. 12-433-02 (FAB)

STIPULATION REGARDING MODIFICATION OF SENTENCE

TO THE HONORABLE COURT:

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their undersigned counsel that:

1. Defendant has submitted a request for modification of his sentence pursuant to Title 18, United States Code, Section 3582(c)(2).

2. Defendant's original guideline calculation was as follows:

Total Offense Level: 34

Criminal History Category: I

151 to 188 months for Criminal History Category of I

At least five (5) years of supervised release

3. Defendant was sentenced on February 27, 2013 to 151 months of imprisonment to be followed by a supervised release term of 5 years.

4. Defendant is eligible for a modification of his sentence pursuant to 18, United States Code, Section 3582(c) and U.S.S.G. §1B1.10(c), Amendment 782 to the United States Sentencing Guidelines.

5. Defendant's revised guideline calculations are as follows:

Total Offense Level: 32

Criminal History Category: I

121 to 151 months of imprisonment for Criminal History Category I

At least 5 years of supervised release

6. Based on the foregoing, the parties hereby stipulate a sentence of **121** months of incarceration is appropriate in this matter.

7. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43; 18 United States Code, Section 3582(c)(2); United States v. Booker, 543 U.S. 220 (2005) and Kimbrough v. United States, 2007WL 4292040 (U.S. 2007).

8. The parties further stipulate that the remainder of defendant's judgment shall remain unchanged.

9. Accordingly, the parties agree and stipulate that an amended judgment may be entered by the Court in accordance with this stipulation pursuant to Title 18, United States Code, Section 3582(c) and U.S.S.G. §1B1.10(c), Amendment 782 of the United States Sentencing Guidelines.

Respectfully submitted in San Juan, Puerto Rico, on the 2nd day of September, 2015.

ERIC ALEXANDER VOS
Federal Public Defender

s/Hector L. Ramos-Vega
First Assistant Federal Public Defender

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

s/ Myriam Y. Fernandez
Assistant United States Attorney
Chief, Narcotics Unit